

REMARKS

Claims 1-2 and 4-25 are pending in the above-referenced patent application. In this response, claims 1, 11, 13-15 and 20 have been amended to clarify intended subject matter, and no claims have been added or cancelled. It is respectfully submitted that adequate support for the amendments made to claims 1, 11, 13-15 and 20 may be found at least in the specification, figures, and claims as filed. Furthermore, the amendments to claims 1, 11, 13-15 and 20 introduce no new matter. It is respectfully requested that the Examiner enter the amendments to claims 1, 11, 13-15 and 20 and allow claims 1-2 and 4-25 to proceed to allowance.

Objections to the Drawings

In the Final Office Action, dated January 19, 2007, the Examiner objected to the drawings under 37 CFR §1.83(a), stating that the drawings should show an LED array as recited in claim 12. This objection is respectfully traversed. It is respectfully submitted that the originally filed drawings comply with the requirements set forth in 35 USC §113, 37 CFR §1.81, 37 CFR §1.83(a) and 37 CFR §1.83(b). Additionally, replacement figure 7, submitted in the October 10, 2006, although not necessary for a proper understanding of the claimed subject matter, adequately illustrates the limitations of claim 12. For example, figure 7, element 335 illustrates an LED array as described in the specification. Although Assignee takes the position that replacement figure 7 is not essential for proper understanding of the claimed subject matter in accordance with 37 CFR §1.83(a), in the October 10, 2006 amendments, figure 7 was added along with supporting portions of the specification in response to a request by the Examiner. It is respectfully submitted that in accordance with the standards set forth in 37 CFR §1.83(a), the figures as originally filed provide adequate disclosure to enable one skilled in the art to make and/or use at least one embodiment of the claimed subject matter. Accordingly, it is respectfully requested that the Examiner withdraw this objection to the drawings.

Objections to the Specification

In the Final Office Action, the Examiner objected to the specification. According to the Examiner, "The amendment filed 10/10/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure." This objection is respectfully traversed. It is respectfully submitted that the amendments submitted on October 10, 2006 are adequately supported by the specification, claims and figures as filed, and, accordingly, the amendments submitted on October 10, 2006 do not introduce new matter. As noted in the October 10, 2006 amendment, and as described in more detail below, it is respectfully submitted that support for Figure 7 may be found at least in the specification, claims and figures as filed. As just an example, originally filed figure 4a is reproduced below:

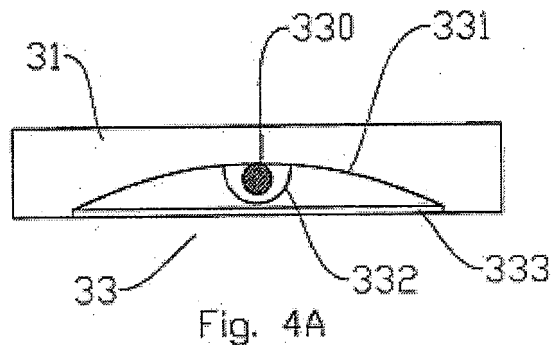
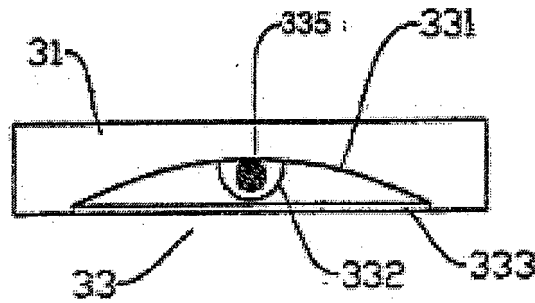


Figure 4a, item 330 comprises a 'lamp'. For example, quoting from page 5, lines 15-16, "the transparency adaptor 33 within the upper shell object 31 uses a lamp 330 to emit the light rays". Additionally, quoting from page 7, lines 6-7, "the lamp 330 of the present invention as described above may be replaced by a LED array (not shown), which can meet the purpose of the present invention." Figure 7, filed in the October 10, 2006 amendment, is additionally reproduced below:



Quoting from the amendments to the specification filed in the October 10, 2006 amendment, "In one embodiment, the lamp 335 of the present invention as described above may comprise a LED array, which can meet the purpose of the present invention." It is respectfully submitted that there is clear support in the originally filed specification and figures for the amendments presented in the October 10, 2006 amendment, and the amendments do not introduce new matter. Accordingly, it is respectfully requested that the Examiner withdraw this objection to the drawings.

Claim Rejections – 35 USC §112, first paragraph

In the Final Office Action, the Examiner rejected claim 12 under 35 USC §112, first paragraph, alleging that claim 12 is based on a disclosure which is non-enabling. This rejection is respectfully traversed. Furthermore, the Examiner states "The LED array is critical or essential to the practice of the invention." This assertion is respectfully traversed. It is respectfully submitted that although Assignee takes the position that the detailed illustration of an LED array disclosed in the description and claims is not essential for proper understanding of the claimed subject matter in accordance with 37 CFR §1.83(a), and, additionally, the detailed illustration of and LED array is not critical or essential to the practice of the invention, Figure 7, element 335 illustrates an LED array. Furthermore, adequate support may be found for the limitations of claim 12 in the specification, claims and figures as filed, and may additionally be found in the amendments presented in the October 10, 2006 amendments. It is,

therefore, respectfully submitted that claim 12 complies with the standards set forth in 35 USC §112, first paragraph. For example, the limitations of claim 12 are adequately enabled by the specification, claims and figures as originally presented. Accordingly, it is respectfully requested that the Examiner withdraw this rejection of claim 12.

Claim Rejections – 35 USC §103

In the Final Office Action, the Examiner rejected claims 1-2, 4-5, 7-8, 11 and 13-24 under 35 U.S.C §103(a) as being unpatentable over so-called “Applicant’s Admitted Prior Art” (hereinafter “AAPA”) in view of Lu (US Patent No. 6,046,826); rejected claim 6 under 35 U.S.C §103(a) as being unpatentable over so-called AAPA in view of Lu and Nakamura (Japanese Pat. No. 10-197969A); rejected claims 9-10 under 35 U.S.C §103(a) as being unpatentable over so-called AAPA in view of Lu and Kito et al. (US Patent No. 6,864,998); and rejected claim 25 under 35 U.S.C §103(a) as being unpatentable over so-called APA in view of Lu and further in view of Nakamichi (US Patent No. 6,785,898). These rejections are respectfully traversed.

It is noted that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (MPEP § 2142). It is respectfully submitted that the cited references do not meet these criteria. For example, the cited art, alone or in combination, still does not teach or suggest all the claim limitations.

However, Assignee does not by this argument accept that any of the alleged combinations are proper; rather, while Assignee does not admit that the combinations are proper, Assignee further asserts that even if the combinations were proper, and a successful combination of any of so-called

AAPA, Lu, Nakamura, Kito, and/or Nakamichi were made, any resultant combination or any of the other alleged combinations would still not teach or suggest all the claim limitations of the rejected claims.

For example, Assignee respectfully submits that claims 1-2, 4-5, 7-8, 11 and 13-24 are not rendered obvious by so-called AAPA in view of Lu. It is respectfully submitted that so-called AAPA, whether viewed alone or in combination with Lu, still does not show or describe at least “***an aperture formed on a first predetermined position on said reflective plate and positioned between the upper surface and the light-emitting element***”, as recited in claim 1.

The Examiner concedes that so-called AAPA is lacking at least one element of claim 1. As stated in the Office Action, page 3, “Applicant’s admitted prior art does not disclose expressly an aperture on a first predetermined position of said reflective plate to decrease the illumination of said first predetermined position”. Additionally, Lu fails to cure this deficiency noted by the Examiner. Although Lu describes a light assembly having a reflective plate and a base, the “light slot” is formed on the **base**, and is not formed on the **reflective plate**. For example, quoting from col 1:67 – col 2:6 of Lu, “In the middle of the base is a cut 220 serving as a light slot for the secondary light to pass through.” Accordingly, as clearly shown from this excerpt, Lu does not show or describe “***an aperture formed on a first predetermined position on said reflective plate***”, and, therefore, for at least the reasons presented above, a prima facie case of obviousness has not been established, and, therefore, claim 1 is in a condition for allowance. Additionally, claims 2, 4-5, 7-8, 11 and 13-24 are in a condition for allowance for the same and/or similar reasons as presented with reference to claim 1, as amended. It is respectfully requested that the Examiner withdraw his rejections of these claims.

Assignee respectfully submits that claim 6 is not rendered obvious over so-called AAPA in view of Lu and Nakamura. As mentioned above, it is respectfully submitted that so-called AAPA, whether viewed alone or in combination with Lu still does not show or describe at least “***an aperture formed on a first predetermined position on said reflective plate***” As recited in claim 1. Furthermore, Nakamura does not cure this deficiency. Although Nakamura is directed to a reflecting plate having cooling fins, Nakamura does not show or describe at least “***an aperture formed on a first***

predetermined position on said reflective plate” As recited in claim 1, from which claims 5-6 depend, and, therefore, for at least the reasons presented above, a prima facie case of obviousness has not been established. It is, therefore, respectfully requested that the Examiner withdraw the rejections of these claims.

Furthermore, Assignee respectfully submits that claims 9-10 are not rendered obvious over so-called AAPA in view of Lu and Kito. As mentioned above, it is respectfully submitted that so-called AAPA, whether viewed alone or in combination with Lu still does not show or describe at least “***an aperture formed on a first predetermined position on said reflective plate***”. As recited in claim 1, and Kito does not cure this deficiency. Although Kito is directed to reading photographic images, Kito does not show or describe at least “***an aperture formed on a first predetermined position on said reflective plate***”, as recited in claim 1, from which claims 9-10 depend, and, therefore, for at least the reasons presented above, a prima facie case of obviousness has not been established. It is, therefore, respectfully requested that the Examiner withdraw the rejections of these claims.

Additionally, Assignee respectfully submits that claim 25 is not rendered obvious over so-called AAPA in view of Lu and further in view of Nakamichi. For example, it is respectfully submitted that so-called AAPA, whether viewed alone or in combination with Lu or Nakamichi, still does not show or describe at least “***a reflective plate disposed on the upper surface and having one or more apertures formed thereon***,” as recited in claim 20, from which claim 25 depends. Although Nakamichi is directed to a compact disc player, Nakamichi, does not show or describe at least “***a reflective plate disposed on the upper surface and having one or more apertures formed thereon***”. as recited in claim 20, from which claim 25 depends. Therefore, for at least the reasons presented above, a prima facie case of obviousness has not been established, and it is respectfully requested that the Examiner withdraw the rejections of this claim.

Assignee respectfully submits that, for at least the reasons presented above, a prima facie case of obviousness has not been established, and all pending claims are in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that

this ground is sufficient. It is respectfully submitted that the Examiner withdraw the rejections of the claims, and allow all pending claims to proceed to allowance.

Additionally, it is noted that the Assignee's omission to comment directly upon all of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions. For example, Assignee does not agree or acquiesce to Examiner's position as to whether there is any suggestion to combine the cited documents or whether there would be any reasonable expectation of success from making such a combination.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Respectfully submitted,

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